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OFFICE OF PETITIONS

In re Application of	:
Publicover et al.	:
Application No. 09/800,273	:
Filed: March 5, 2001	:
Attorney Docket Number:	:
5578-58206/RJP	:

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed December 14, 2005. The delay in treating this petition is regretted.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action, mailed May 20, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned August 21, 2005. A Notice of Abandonment was mailed on November 29, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on November 21, 2005. In support of this assertion, Applicant files a copy of a Request for Continued Examination ("RCE") Transmittal and an Amendment. A review of the RCE and Amendment reveal that they contain a certificate of mailing under 37 CFR 1.8 dated November 21, 2005, executed by Petitioner, and included the appropriate extension of time and RCE fees.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application file is being referred to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.


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Office of Petitions